SINGLE BENCH

(4) (1)

IN THE HONOURABLE HIGH COURT OF CHHATTISGARH

AT BILASPUR (C.G.)

WRIT PETITION (S) NO. 3397 OF 2006

(SERVICE MATTER)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND/OR A SUITABLE DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER

PETITIONER: Raj Rishi Rai
Age-42 years
S/o Late Shri H.H.Rai,
Presently posted on the post of Assistant Jailor, Central Jail Ambikapur, District Surguja (C.G.).

P.R. No. 3462/06 Presented by Shri Sandeep Dubey dated 10/12/06

VERSUS

RESPONDENTS : 1. State of Chhattisgarh,
Through: The Secretary, Department of Home, D.K.S.Bhawan, Mantralaya, Raipur (C.G.).

2. Inspector General of Police (Prison)
Jail Headquarter,
Central Jail premises, Raipur (C.G.).

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DETAILS OF THE PETITION

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P.No.3397/06 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

12.07.2006.

Mr. Sandeep Dubey, counsel for the petitioner.

Ms. Deepali Pandey, Panel Lawyer for the State/respondents, on advance copy.

Heard.

By this writ petition under Articles 226/227 of the Constitution of India, the petitioner has questioned the legality and propriety of the transfer order dated 23.06.2006 on the ground that the petitioner is working as Assistant Jailer in Central Jail, Ambikapur and he has been transferred to Sub-Jail, Dantewara.

Learned counsel for the petitioner submits that there is only one sanctioned post of Sub-Jailer at Dantewara and the petitioner has been transferred there, but, there is already one Shri B.S. Mankar is working. Learned counsel submits that the petitioner has been transferred in utter violation of Rule 57 of the Chhattisgarh Prisoners Rule,1968. Learned counsel submits that in the circumstances, the petitioner may be allowed to make a representation to respondent No.1 to which counsel for respondents has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, without expressing any opinion on merits of the case, the limited prayer laid by the learned counsel for the petitioners appears to be just, fair and reasonable. Therefore, the petitioner is allowed to make a detailed representation to the respondent No.1 annexing a copy of the instant writ petition within a period of ten days from today and in turn, the respondent No.1 shall decide the

(पीछे देखिये)

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.3397/06 **सन् 200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

representation of the petitioner within a period of thirty days from the date of its receipt, in an objective manner, considering and examining the points raised by the petitioners, on its own merit and pass appropriate order, in accordance with law.

Also heard on M.(W.)P.No.2617/2006.

As the petitioner has been transferred on a post where a person namely Shri B.S. Mankar is also working, therefore, the effect and the operation of the impugned order in respect of the petitioner is stayed till the decision of the representation. The application stands disposed of.

With the direction aforesaid, the writ petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Brajesh

(पीछे देखिये)